

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 27, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:17 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY,
SEPTEMBER 25, 2001**

MOTION: Heier moved and Workman seconded approval of the Staff Meeting minutes of September 25, 2001. Heier, Stevens, Workman, Hudkins and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Joint Meeting with the Douglas County Board

MOTION: Heier moved and Stevens seconded approval of the addition to the agenda. Heier, Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

A. Joint Meeting with the Douglas County Board

The Board asked Gwen Thorpe, Deputy Chief Administrative Officer, to verify the date of joint meetings of the Public Building Commission and its counterpart in Douglas County and the City Councils of Lincoln and Omaha.

3 SIREN TESTING; FAST WATER RESCUE EQUIPMENT - Doug Ahlberg, Emergency Management Director

Item dropped from the agenda.

ADDITIONS TO THE AGENDA

B. Families First & Foremost (F³) Conference

MOTION: Hudkins moved and Stevens seconded approval of the addition to the agenda. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Heier said he is unable to attend a Families First & Foremost (F³) Conference in Buffalo, New York on October 23-26, 2001 and suggested that Kit Boesch, Human Services Administrator, attend in his place. Costs will be paid by the F³ Grant.

CONSENT ITEMS

- A. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign a Proxy for the Massachusetts Financial Services High Income Fund
- B. Microcomputer Request C#2001-298, \$14,657.65 from the Juvenile Drug Court Budget for Laptops, Projector, Color Laser Printer & Software

MOTION: Workman moved and Heier seconded approval of the Consent Items. Workman, Heier, Hudkins, Stevens and Campbell voted aye. Motion carried.

4 INSURANCE RENEWAL - - Sue Eckley, Workers' Compensation & Risk Management Manager, Kent Sprague and Nadine Rohan, UNICO Group, Inc.

Kent Sprague, UNICO Group, Inc., reviewed *Lancaster County, Property Casualty Insurance Program, Premium Breakdown Summary* (Exhibit A), reporting a 12%-13% overall increase.

Sue Eckley, Workers' Compensation & Risk Management Manager, said rates are anticipated to tighten as a result of the World Trade Center incident. The insurance industry's losses for that incident are estimated to be \$40 billion.

Sprague said the stock market has also had a major impact on the insurance industry.

Sprague reviewed the property package (building contents and mobile equipment) and said the County will recoup approximately \$10,000 in premiums as there was double coverage for some items last year. He said Eckley is working with departments to update equipment values and to determine the need for coverage.

Hudkins inquired about coverage for the County Engineer's mobile equipment.

Sprague said liability for mobile equipment has been moved from general liability coverage to the auto policy, with blanket coverage of the mobile equipment.

Sprague said aviation coverage will no longer be needed as the County has sold its airplane. He said liability coverage will be needed for the buyer's test flight and estimated the cost at \$500 to \$600.

Sprague predicted that there will be a significant increase in liability insurance rates in the coming year. He said industry losses have also resulted in increases in professional liability insurance. Sprague also reviewed excess liability coverage, noting the excess liability umbrella is limited to \$3 million, versus \$4 million last year.

Eckley said an additional \$1 million in coverage is needed to bring the County's coverage up to the Tort Claims Act.

Campbell said the County Attorney has strongly recommended coverage to that level.

MOTION: Hudkins moved and Workman seconded to request that excess liability coverage be brought up to the Tort Claim Act, upon the recommendation of the County Attorney. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

5 DIANNE HARTIGAN TORT CLAIM - Sue Eckley, Workers' Compensation & Risk Management Manager, Kent Sprague, UNICO Group, Inc.; Mike Thew, Chief Deputy County Attorney; Terry Wagner, Lancaster County Sheriff

Mike Thew, Chief Deputy County Attorney, reviewed the circumstances of the Hartigan tort claim. He said the County is exempt from liability under provisions of the Tort Claims Act and said the County's policy in the past has been to reject claims of this nature.

Terry Wagner, Lancaster County Sheriff, said the County is currently holding twelve motor vehicles at the impound lot. Two of the vehicles are owned by convicted murderer Steven Jacobs and were impounded pursuant to a court order seizing his assets. He said these two vehicles have been sitting outside for thirteen years and are in similar condition to the vehicle in the Hartigan tort claim. It was noted that the value of the vehicles has decreased substantially over the years while the civil case has been appealed.

Thew said one solution to the problem is to lease indoor storage. He said this could be costly, particularly in a case where an aircraft or other large vehicle is seized.

Stevens suggested that indoor storage be provided if the owner agrees to assume the storage costs upfront.

Campbell said claims of deterioration may apply to other seized items as well.

Workman asked whether Hartigan has any other legal means to recover her loss.

Thew said Hartigan could have reclaimed the vehicle when Roger Bjorklund defaulted on the car payments and said she has been aware of the vehicle's location since the time of seizure.

In response to a question from Hudkins, Kent Sprague, UNICO Group, Inc., said uninsured motorist insurance would not have applied in this situation.

Stevens expressed concern that the Board would be setting a precedent by granting the tort claim.

Workman suggested that Hartigan seek recourse from the Bjorklund estate.

Hudkins asked whether the County has a responsibility to maintain property in the condition in which it was received.

Thew said not when the property is seized as part of a law enforcement investigation.

Board consensus was to take the tort claim off Pending and to reschedule it on the October 9, 2001 County Board of Commissioners Meeting agenda.

The Board also asked Thorpe and Eckley to research policy options, with a report back to the Board.

6 EXTENSION OF COMPLETION DATE FOR JUVENILE DETENTION FACILITY - Chris Beardslee, Sinclair Hille & Associates Inc.; Dennis Banks, Lancaster County Juvenile Detention Center Director; Michelle Schindler, Lancaster County Juvenile Detention Center Deputy Director; Greg Pettibone, Lancaster County Juvenile Detention Facility Project Manager

Gwen Thorpe, Deputy Chief Administrative Officer, reported on a meeting held to discuss the general contractor's request to add time to the contract, changing the date of substantial completion of the juvenile detention facility from October 9 to November 20, 2001, noting the following:

- No savings will be realized by the Assessment Center
- Juvenile Detention Center will save \$41,200 by delaying the hiring and start of some staff
- Utilities savings are likely
- Delivery date for furniture, fixtures and equipment will not change
- First punch list is due October 5, 2001
- Interest cost to the County is \$1,000/day

Thorpe said it is recommended that Cheever Construction Inc., as general contractor, agree that:

- General contractor pay rent of \$1,400/month for the Airpark facility
- General contractor be responsible should there be an equipment failure at the current facilities during the time of extension
- County hold retainage until the facility is substantially complete on November 20, 2001
- General contractor maintain insurance until that date
- General contractor be fined \$1,000/day after November 20, 2001

Chris Beardslee, Sinclair Hille & Associates Inc., said approximately half of the facility will be substantially complete prior to November 20, 2001 but said full retainage will be held.

Dave Johnson, Deputy County Attorney, recommended that warranties also be extended.

MOTION: Workman moved and Heier seconded to accept the recommendations and to stipulate that the General Contractor will be responsible for any equipment failures at the current facilities during the time of extension, up to the amount of the forgiven liquidated damages. Workman, Hudkins, Heier, Stevens and Campbell voted aye. Motion carried.

7 REGION V DISCUSSION - Doris Karloff, Region V Executive Committee Chair; Joy Schroder and Richard Niemeier, Region V Executive Committee; Jill Rubottom, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program; Sheryl Schrepf, Juvenile Mental Health Director; Dean Settle, Community Mental Health Center Director; Mike Thew, Chief Deputy County Attorney

Campbell said the County Board recently received a letter (Exhibit B) from Doris Karloff, Region V Executive Committee Chair, which stated that correspondence and quotes in the media from the Human Services Department:

1. Give the impression that the Lancaster County Board and the Regional Governing Board are not working together to provide mental health and substance abuse services to the Region V area

2. Contain inaccurate or misleading information about Region V or its processes

Campbell said Kit Boesch, Human Services Administrator, sent the memorandum on the Request for Proposals (RFP) for tobacco settlement funded programs to the providers at her request. She said she had also received questions from members of the Behavioral Advisory Committee (BAC) on their role and said she was not surprised by Boesch's response to them. Campbell said the correspondence and media quotes were a response to questions posed by those in the community that are trying to assess what is happening at Region V. She said agencies are apprehensive and no longer feel there is a partnership with Region V. There is also a concern that information and decisions are not being accurately communicated to the Regional Governing Board.

Heier said a number of the providers are afraid of voicing their concerns to Region V for fear that funding will be withdrawn.

Jill Rubottom, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, responded "It's not easy to take money away." She said the RFP process was not a collaborative process and placed Region V against the providers. Rubottom said providers had requested assistance with writing their proposals but said the RFP process did not allow Region V to do so, even if there had been staff time. She said "We just plain aren't staffed even to do this whole bid process" and said Region V is at the bottom in terms of funding for administration.

In response to a question from Hudkins, Rubottom said the counties in Region V contribute equally in terms of dollars for administration.

Rubottom said Region V is limited in that it does not collect client fees and cannot fund-raise. She said "We can't do anything to bring other dollars in because that's perceived as competing with providers." Rubottom acknowledged that there was an intent to expand the six Professional Partners with the grant, but said it was expected that the providers would also receive money. She said she would like to see other grants written that would provide for collaboration with the providers.

Campbell said the County Board is concerned with the proposal to establish a non-profit foundation to support the Family & Youth Investment (FYI) Program. She asked Doris Karloff, Region V Executive Committee Chair, how she perceives the foundation.

Karloff said the foundation was presented as a way to "find more dollars to be able to do more with".

Rubottom said there are individuals in the community that would like to make donations to families, but desire a tax write-off. She said Region V tried working with the Lincoln Public Schools Foundation, but said it could not accept donations that were not specific to school needs. Rubottom said there may be a fear among providers that Region V will try to compete for their grants, but said "I don't want to compete with providers, that's not ever been my goal". She said Region V did write a grant application for the Community Health Endowment for a mentor center to assist families that were not in wraparound services and providers that need mentors for their families and said it was intended to be neutral and collaborative.

Rubottom said there is also concern about Region V providing wraparound services. She said the Professional Partners Program was built on the auspices of neutrality and said Region V does not intend to provide treatment services but does have a neutral coordination role that may involve client contact.

Campbell said the foundation concept is unsettling in that Region V is a planning entity and also allocates the funds. She suggested that adding a foundation may create a conflict of interest.

Stevens said donations could flow through other agencies.

Rubottom said that has been tried, unsuccessfully.

Campbell encouraged members of the Region V Executive Committee to attend meetings of the Families First & Foremost (F³) Conveners Group and said attendance will help to open up the lines of communication.

Heier asked Rubottom to explain her concerns regarding the Memorandum of Understanding.

Rubottom said it does not clearly define roles.

Heier asked what she would like to see changed in the document.

Rubottom responded, "We've said we'd sign it."

Heier said to Rubottom, "You've become a roadblock at the F³ meeting".

Rubottom said she is frustrated that "nothing got changed" in response to her request for clarification and said she has a different vision of what a system of care should look like. She said the original intent was to develop a system of care in Lancaster County that could expand to the rest of the Region and said that is no longer the direction that is being taken. Rubottom also said she has been told that "we need the families away from Region V" and "we need to get Region V out of this".

Heier said he has not heard those comments.

Rubottom said one example is that the juvenile justice money to sustain one of the Professional Partners was not awarded to Region V.

Hudkins asked the members of the Region V Executive Committee whether Lancaster County's sponsorship of F³ has impacted services to the other counties in Region V.

Karloff said she has not seen an impact to the other counties but said she is concerned that Region V is no longer the lead agency in terms of seeking grant dollars and in providing services to families.

Joy Schroder, Region V Executive Committee, said the focus should be on the people receiving services.

Richard Niemeier, Region V Executive Committee, said "F³ was Region V's baby and then all at once it isn't any more and we put some of our budget money into getting ready to try to make that grant thing work and now we don't have the dollars to pay the people that we hired."

Sheryl Schrepf, Juvenile Mental Health Director, said Cedars Youth Services is receiving approximately half the amount of money that Region V did for the same amount of work. She said this is because Cedars Youth Services and most of the other community based agencies that are involved in the system of care are donating a significant amount of their overhead and administration costs.

Campbell noted that the Board recently received an presentation on F³, including a report from Mike Epstein, evaluator of the Families First & Foremost (F³) Grant Program from the University of Nebraska, and suggested that the Region V Governing Board would benefit from a similar presentation. She said it may also be beneficial to visit with the State's representatives to the F³ Conveners Group, noting it was the State that moved the F³ grant, not Lancaster County. Campbell said the County Board intends to continue its education on Region V, including the developmental disabilities area, and said it would be willing to share this information with the Region V Governing Board.

Campbell asked whether the issue of incomplete files on some of the families that were transferred from the Professional Partners Program to Cedars Youth Services has been resolved.

Schrepf said Region V failed to respond to numerous requests to renegotiate support for this fiscal year so the Conveners Group decided to move forward and open the school-based wraparound. She added that it has been difficult to get data on the clients that the F³ Grant has supported through Region V, data that is needed for the upcoming federal site visit. Region V had indicated that it lacked the resources to copy the data so F³ staff went to their offices and copied the necessary files. Several deficiencies were uncovered and Region V was given a deadline of September 28, 2001 to produce that data.

Rubottom said the letter that was sent to Region V indicating deficiencies is “another example of telling the public that there’s problems with Region V”.

Schrepf said this was the first time that a letter was copied to the Conveners Group and offered to share her file of correspondence over the last year asking Region V to meet and provide that information.

Campbell suggested that Karloff designate a representative to the Conveners Group from the Region V Executive Committee and have that representative meet with Heier, Schrepf and Rubottom to try to resolve the issues that have been raised.

Karloff designated Schroder to serve in that capacity.

In response to a question from Campbell, Karloff said she is also concerned with the quotes in the media from the Human Services Department.

Campbell said, in the future, she will discuss directors’ concerns directly with Karloff.

A brief discussion took place on the situation involving the master agreement with Region V for commitments at the Crisis Center (Lancaster County agreed to hold individuals for other counties in Region V that are committed through mental health hearings or classified as Emergency Protective Custody (EPC) at the Crisis Center. However, the State repeatedly refused to accept post-commitments, due to lack of space in the Regional Center, and these individuals were held in the Crisis Center longer than permitted by law. This resulted in several lawsuits which Lancaster County was forced to defend, regardless of where the commitment originated).

Dean Settle, Community Mental Health Center Director, reported that all of the Crisis Center beds have been full for the last 60-90 days and said continuances of Mental Health Board hearings have contributed to the problem.

In response to a question from Campbell, Settle said two to five beds are typically occupied by Region V patients.

Rubottom said one issue for the rural counties is that their General Assistance may be billed when patients are placed at BryanLGH Medical Center instead of the Crisis Center. She said Region V gave Cornhusker Place \$25,000 for its secure rooms but said a facility must be licensed as a mental health facility in order to keep patients on an Emergency Protective Custody hold after Civil Protective Custody has expired. Rubottom said Region V is seeking a waiver of this rule or a cooperative agreement with the Crisis Center that will allow Cornhusker Place to hold patients longer.

Settle said the addition of seven case managers at the Community Mental Health Center should help to address the waiting list at the Lincoln Regional Center.

Mike Thew, Chief Deputy County Attorney, recommended that a provision be added to the master agreement to indemnify Lancaster County if damages are awarded.

Also in attendance were Kit Boesch, Human Services Administrator; George Hanigan, Director of Behavioral Health for the Nebraska Department of Health and Human Services; Jim Blue and Sandra Miller, Cedars Youth Services; and John Hill, Deb Shoemaker and Robin Mahoney, Behavioral Advisory Committee.

8 PURCHASE OF TWO PROPERTIES (742 & 744 SOUTH 8TH STREET)
- Don Killeen, County Property Manager

Don Killeen, County Property Manager, said the Public Building Commission has recommended acquisition of two properties 742 & 744 South 8th Street that are offered for sale (Exhibit C).

Board consensus was to schedule approval of the acquisition on the October 2, 2001 County Board of Commissioners Meeting agenda.

Stevens exited the meeting at 11:15 a.m.

ADMINISTRATIVE OFFICER REPORT

B. Lincoln Mattress Driveway

Don Killeen, County Property Manager, said Walton Construction Inc. submitted the low bid of \$13,190 to correct driveway access for Lincoln Mattress off Radcliff Road (Exhibit D).

In response to a question from Hudkins, Killeen said there is still a question as to how the difference in cost will be assessed.

Hudkins said the County should have monitored the situation better.

MOTION: Hudkins moved and Heier seconded to schedule acceptance of the low bid on the October 2, 2001 County Board of Commissioners Meeting agenda and to direct Don Killeen, County Property Manager, to seek advice from the County Attorney on how to determine the additional cost and allocation. Hudkins, Heier, Workman and Campbell voted aye. Stevens was absent from voting. Motion carried.

E. Natural Gas Rates

Don Killeen, County Property Manager, said there was a consensus of the Gas Purchasing Consortium, which consists of the City of Lincoln, Lancaster County, Public Building Commission and Lincoln Public Schools, to proceed with the fixed price option for natural gas.

MOTION: Hudkins moved and Workman seconded to schedule the item on the October 2, 2001 County Board of Commissioners Meeting agenda. Hudkins, Workman, Heier and Campbell voted aye. Stevens was absent from voting. Motion carried.

F. Public Parking

Don Killeen, County Property Manager, reported that public parking will be shifted to the northern half of the employees parking lot, effective October, 1, 2001.

9 DRAFT REDISTRICTING ALTERNATIVES - Kathleen Sellman, Planning Director; Kent Morgan, Assistant Planning Director; Mike DeKalb, Planning Department; Dave Shively, Election Commissioner

Kent Morgan, Assistant Planning Director, presented the following maps (Exhibit E)

- Existing County Commissioner Districts with New Voting Precincts*
- Proposed County Commissioner Districts - Proposal 1*
- Proposed County Commissioner Districts - Proposal 2*
- Proposed County Commissioner Districts - Proposal 3*

Morgan said a population standard of one percent was maintained in Proposals 1, 2 and 3, with the greatest spread in Proposal 3. He said all three options should meet the equity requirement.

Hudkins noted that Commissioner District 2 is over and Commissioner District 2 is under approximately the same amount in Proposal 1 and asked whether any precincts could be traded to make it more equitable.

Board consensus was to eliminate Proposal 3.

Workman exited the meeting at 11:50.

10 PROPOSAL FOR PERSONNEL POLICY BOARD - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Diane Staab, Deputy County Attorney

John Cripe, Classification and Pay Manager, said Lancaster Manor has requested a job for the Administrative Aide II that handles personnel matters at the facility and has requested that the position be reclassified a Personnel Specialist.

Cripe said the Personnel Director is responsible for human resource functions under terms of the County's interlocal agreement with the City, although Lancaster Manor has been allowed to direct hire and interview applicants.

Hudkins said Larry Van Hunnik, Lancaster Manor Administrator, should be included in the discussion.

Cripe said the question is whether to create a "real" personnel position at Lancaster Manor, not to eliminate the function.

Georgia Glass, Personnel Director, explained that the duties performed by this position are personnel related. She said other large departments also have someone that performs personnel functions and said she wants to avoid the perception that the Personnel Department is decentralizing and that any department can have a Personnel Specialist on their staff.

Hudkins said he does not want to see the position at Lancaster Manor diminished in any way.

Campbell suggested that Glass share her concerns regarding the job title with Van Hunnik.

Cripe said the Lancaster County Personnel Rules require the job title to be descriptive of the work performed.

Diane Staab, Deputy County Attorney, said it can be noted in the job description that the final authority is the Personnel Director.

11 CONSENT ITEMS

- A. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign a Proxy for the Massachusetts Financial Services High Income Fund
- B. Microcomputer Request C#2001-298, \$14,657.65 from the Juvenile Drug Court Budget for Laptops, Projector, Color Laser Printer & Software

Item moved forward on the agenda.

12 ADMINISTRATIVE OFFICER REPORT

- A. Letter from Ecological Advisory Committee

Board consensus was to send a letter of acknowledgment to Dan Ludwig, Lincoln-Lancaster County Ecological Advisory Committee President, indicating that the letter has been referred to Kathleen Sellman, Planning Director, for a response.

- B. Lincoln Mattress Driveway

Item moved forward on the agenda.

C. Elected Officials Salaries

The Chair asked that the item be placed on pending.

D. Request from Mike Thurber, Corrections Director, to Expend Money from the Inmate Benefit Funds

MOTION: Heier moved and Hudkins seconded approval. Heier, Hudkins and Campbell voted aye. Workman and Stevens were absent from voting. Motion carried.

E. Natural Gas Rates

Item moved forward on the agenda.

F. Public Parking

Item moved forward on the agenda.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Stevens

Heier and Stevens reported that the members of the Lincoln Independent Business Association (LIBA) expressed concerns regarding the County's insurance consultant, insurance benefits, broker for the County's pension plan and the Lincoln City-Lancaster County Comprehensive Plan.

14 CORRESPONDENCE TO THE COUNTY BOARD

Campbell reported on a constituent's complaint of littering at Cheetahs, 640 West Prospector Court (Exhibit F). She said the Lincoln-Lancaster County Health Department will provide education to the owner in the form of a letter and follow-up visit. Carbon copies of the letter will be sent to the Board and County Sheriff, with a blind copy to the constituent. The Health Department has indicated that a follow-up will take place after the educational outreach effort.

15 EMERGENCY ITEMS AND OTHER BUSINESS

The Board scheduled a Staff Meeting at 9 a.m. on October 16, 2001

16 ADJOURNMENT

MOTION: Heier moved and Hudkins seconded to adjourn the meeting at 12:12 p.m. Heier, Hudkins and Campbell voted aye. Stevens and Workman were absent from voting. Motion carried.

Bruce Medcalf
County Clerk